

## SENATE—Wednesday, December 12, 2001

The Senate met at 9:30 a.m. and was called to order by the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York.

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we praise You for Your faithfulness. Now in this sacred season, we join with Jews all over the world as they light their menorahs and remember Your faithfulness in keeping the eternal light burning in the temple. We gather with Christians around a manger scene and praise You for Your faithfulness in sending the Light of the World to dispel darkness. Your indefatigable love is incredible. You never give up on us. You persistently pursue us, offering us the way of peace to replace our perplexity. You offer Your good will to replace our grim wilfulness. In spite of everything humankind does to break Your heart, You are here, once again sending Your angel to tell us of Your good will, Your pleasure in us just as we are, and for all we were intended to be. Change all of our grim "bah humbug" attitudes to humble adoration.

Help us to be as kind to others as You have been to us, to express the same respect and tolerance for the struggles of others as You have expressed to us by turning our struggles into stepping stones, to understand us as we wish to be understood. Help us to shine with Your peace and good will. In the name of the Light of the World. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable HILLARY RODHAM CLINTON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, December 12, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM

CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

### SCHEDULE

Mr. REID. Madam President, this morning we are going to be on the farm bill. There is going to be 50 minutes of debate equally divided and there will be a vote at approximately 10:20 this morning.

The majority leader has asked me to announce that he wants to work into the evening tonight to make significant progress on this bill. It is Wednesday. For those who want to leave Friday or this weekend, it is very clear to everyone we have to make progress on this bill. So I hope everyone will understand there will be no windows. We will have to work right through the evening, working as late as possible, as long as the managers think we are making progress on the bill.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### AGRICULTURE, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1731, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1731) to strengthen the safety net for agricultural producers, to enhance resource conservation and rural development, to provide for farm credit, agricultural research, nutrition, and related programs, to ensure consumers abundant food and fiber, and for other purposes.

Pending:

Daschle (for Harkin) Amendment No. 2471, in the nature of a substitute.

Lugar/Domenici Amendment No. 2473 (to Amendment No. 2471), of a perfecting nature.

AMENDMENT NO. 2473

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 50 minutes of debate equal-

ly divided and controlled on the Lugar amendment, No. 2473.

The Senator from Indiana.

Mr. LUGAR. Madam President, I yield to myself the time I may require. Being mindful there are others who may wish to speak on my amendment but seeing none for the moment, let me review the amendment for the benefit of Senators who, perhaps, followed the debate yesterday.

I have offered an amendment which, in essence, changes substantially the ways in which farm families are supported in the United States of America. I have moved to a concept of a safety net in which, essentially, each farm family—regardless of the State, regardless of what products or farm animals or timber or what have you which comes from that farm—has equal standing. I think that amendment ought to be appealing to most States.

As I cited yesterday, just 6 States of the 50 receive about half of the payments under the current system. That would be concentrated further in the bill that now lies before us. That concentration really occurs regardless of State, although many States receive very few benefits at all. If, in fact, 6 States receive about half, the 44 divide the rest and, as I cited yesterday, many States have fewer than 10 percent of their farm families who participate in these payments at all.

I make that point again because I suspect it is not apparent to many Senators, to many people in the public as a whole, who believe we are talking today about the totality of agriculture in our country, farm families of all sizes. Much is said about small farm families, those who are in stress, in danger of losing their farms.

Without being disrespectful of anyone's views on these subjects, I pointed out these small family farms are not likely to gain much sustenance from the subsidies that are being suggested presently. Let me cite, without getting into anyone else's backyard, the situation in the State of Indiana.

The current program targets 16 percent of the payments in Indiana to 1 percent of the farms—1,007 farms. In fact, it becomes equally apparent at the top 2 percent, which gets 26 percent, a quarter of all the farms. By the time you get to the top 10 percent, which now includes 10,000 farms out of roughly 100,000 that received payments from 1996 to 2000, the top 10 percent receive 66 percent of all of the money.

Any way you look at it, the reasons for this are perfectly clear. Essentially, the payments are made on the basis of acreage and yield. Those farmers who

are strongest make use of research; they make use of marketing techniques. They, in fact, have costs that are less than the floor, so there are incentives to produce more each time we come along with another farm bill. And that will be the case again. Therefore, the gist of my amendment is we must change.

The distinguished chairman of the committee, as he responded last evening, said the Lugar amendment contemplates so much change it will be shocking to country bankers; it will be shocking to farmers generally. When you knock the props out of all kinds of layers of programs that have been built up year after year, one subsidy on top of another, even if it only touched 40 percent of farm families generally with 60 percent not touched at all, certainly there will be an impact on the 40 percent.

My point is the 40 percent overstates it. The real impact will be upon the 1's, the 2's, the very top numbers in terms of people who have very large enterprises. I think that is not the will of the Senate. But the effect of the policies has been this, as detailed State by State by the Environmental Working Group Web site. Any Senator, prior to a vote on this amendment, can go to that Web site and find out, person by person, every farm that has received subsidies during the last 5-year period that is covered, plus the summary I have cited.

The change I am suggesting is one that is still a generous amount of taxpayer money. Yesterday Investor Daily editorialized about the debate we are having and commended my bill as the best of the lot but suggested it is still a lot of money from some taxpayers in America to farmers. Indeed, it is to the extent that I am suggesting a farmer receive a voucher worth 6 percent of all that he or she produces on the farm and that it not be simply curtailed to wheat, corn, cotton, rice, and soybeans but to livestock, to fruits and vegetables, to wool, to whatever comes from that entity—all things added up on the Federal tax return that arrive at a total farm revenue picture.

I used the hypothetical farmer yesterday who received, say, \$100,000 of total receipts from all sources getting a voucher for \$6,000, enough to pay for a full farm insurance policy that guarantees 80 percent of the revenue based on the last 5 years.

There are very few businesses, if any, in America that could purchase this kind of revenue assurance that would guarantee—given the ups and downs of our economy—at least 80 percent of the revenue would be available come hell or high water, including bad weather, bad trade policies, and whatever. This \$6,000 voucher would not be paid for by the farmer. It is by virtue of the production indicated on the tax returns that he or she submits. It is possible,

because we already have a generous crop insurance program as I pointed out that undergirds agriculture now, that not all farmers will take advantage of that, which is too bad. The educational process must continue so farmers understand how much insurance and assurance they could obtain under current legislation.

My point is, we ought to be providing a safety net that has equality for all States, all crops, all conditions, and all sizes of farms and that genuinely meet the needs of a safety net as opposed to a haphazard disaster relief bill here or there on the appropriations of agriculture, and the perennial summer debates about supplemental assistance, that somehow there are shortfalls, even though this year we are having a record net income for all of agriculture—\$61 billion. It has never been higher.

Yet this debate proceeds as if the totality of American agriculture were in crisis. The 10-year bill suggested by the House of Representatives suggests the crisis inevitably goes on for 10 years adding one subsidy on top of another throughout that period of time.

That is what my amendment tries to stop. I appreciate that for many Senators the problem of explaining all of this to their constituents may be difficult. The easier course may be simply to say: I did my best for you.

As I witnessed the debate thus far, I have an impression that many Senators have come into that mode as they approach the distinguished chairman of the committee, or me, or other Members who have been involved in the debate. The question is not that overlayers of subsidies on top of subsidies is good for the country, good for farmers generally, good for the deficit, or good for whatever. The question is, what is in this bill for me, or my farmers, or the political support I can gain from the person to whom I can write that I was in there fighting for the last dollar for you.

I must admit that the bill which has been laid down before us by the Agriculture Committee has a lot of money in it. The disillusionment will come that 60 percent of farmers will find there is nothing in the bill for them—nothing. I hope they understand that before we conclude the debate.

In my State of Indiana, two-thirds of the farmers will find out very rapidly that there was very little left for them after the top 10 percent took the money. That will come as a disillusion, perhaps. But hope springs eternal, perhaps. A trickle-down theory might occur even in farm subsidy bills.

Let me point out that there is an opportunity here for both a safety net for farmers and finally a turnaround from a policy that came in a long time ago with deep origins in the row crops coming out of the Depression but less and less relevant to the actualities of farm-

ing in America today and what people actually do.

The 2 million farms that are listed by the census in most cases do not have active farmers on the farm. The most rapidly rising source of new farms in the country are persons who are professionals, doctors, lawyers, teachers, and others who purchase 50 acres, or sometimes more within a reasonable driving distance of their urban offices, or locations, because they like some space. If they produce on that entity of 50 acres or 100 or whatever the acreage may be, at least \$20,000 in sales of anything agricultural, they are classified under USDA standards as a farmer. So the 2 million are made up principally of persons who gain some income from the farm.

The only persons who gain the bulk of their income from the farm are commercial farmers in America. Most of them have 1,000 acres or more. They comprise roughly 10 percent to 15 percent of all of the entities. Even on those farms it is usual that one member of the family has a day job in the city or somewhere else.

That is the nature of the business. I mention this because, in an attempt to have a comprehensive farm bill, it is virtually impossible to target and to find 2 million people. I think my bill does this the best because it simply says whether you produce \$20,000, and you are in fact a lawyer, you still qualify as a farm so that there is at least something more than a casual interest in the farm. If you have \$20,000 in sales of any sort, you are eligible for the 6 percent voucher.

My bill is not excessively generous as you rise in income because after the first \$250,000 total revenue the voucher percentage drops to 4 percent to the next \$250,000. After \$500,000 to \$1 million in revenue, it is 1 percent. Then sales on your farm over \$1 million would not have the voucher. Thus, there is a limit effectively of about \$30,000 for a farm family coming from this program.

The distribution to all farm families in America in all States means that the money that is finally provided in my bill is spread even over a 10-year stretch. We are talking about a 5-year bill. Because many of these bills have been scored for 10, it is still less than the bill before us. But the cost of my bill in the 5 years we are talking about is dramatically less in large part because, although a lot of money is going to all the farm families at the rate of 6 percent of everything they are doing, essentially we are winding up the target prices, the loans, and the other subsidies on top of another. Therefore, as you subtract those savings, OMB has scored this 5-year experience in the commodity section of the Lugar bill of only \$5 billion as opposed to, as I recall, the \$27 billion for 5 years in the bill before us now. That is substantial money.

Let me point out that in addition there are some important aspects in the second section of my bill. The distinguished chairman of the committee, as he responded yesterday, pointed out that the committee bill has much more generous provisions for the nutrition section. I applaud that. I worked with the chairman to make certain we had very strong bipartisan support for doing more in the food stamp area, in the WIC Program, in the School Lunch Program, and in the feeding of people wherever they may be in America.

But there is a difference between the two bills—my bill, essentially, is the amendment before the Senate now—with some of the savings that come from this remarkable difference between \$5 billion for commodities in my bill and \$27 billion in Senator HARKIN's bill. My bill provides \$3.7 billion for nutrition in the first 5 years and the Harkin substitute \$1.6 billion. That is a substantial difference.

Yesterday, I detailed the extraordinary efforts of hunger groups throughout our country, of advocates not only for the poor but for better nutrition, of people involved in the School Lunch Program who regularly testified before our committee, as well as those who have been advocates for full coverage of the Women, Infants, and Children Program—the WIC Program—to fulfill those objectives.

My bill allocates \$3.7 billion in the next 5 years. If it were scored over 10 years, it would be up to \$11.9 billion. The Harkin substitute has \$1.6 billion in the first 5 years, scoring \$5.6 billion in the 10-year period, with less than half the nutrition impact. That is not by chance.

For Senators who believe one of the major points of a farm bill that comes from Agriculture, Nutrition, and Forestry ought to be the feeding of all Americans, in addition to targeted benefits for very few Americans on the production side, I hope they will find my amendment appealing. It was meant to be that way. The priorities are significant.

For the moment, Madam President, I will yield the floor so I will have a few moments, perhaps, at the end of the debate to refresh memories of Senators who may not have heard all of this presentation today and may be preparing for their votes.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LUGAR. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LUGAR. Madam President, I ask unanimous consent that the time in

the quorum call I am about to propound be charged equally against the two sides.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. LUGAR. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Madam President, as I understand, again, for the benefit of all Senators, we are under an hour of debate evenly divided on the Lugar amendment regarding nutrition with a vote to occur at 10:30; is that correct?

The ACTING PRESIDENT pro tempore. Under the previous order, there is to be a 50-minute debate equally divided and controlled with the vote to occur at 10:25.

Mr. HARKIN. I understand I must have about 25 minutes.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. HARKIN. I thank the Presiding Officer.

Madam President, now that we have had some opportunity over the evening to look at Senator LUGAR's proposed nutrition title, I would like to discuss a little bit of the difference between his approach and the approach we came out of the committee with, again, keeping in mind that our nutrition title did come out of committee, if I am not mistaken, on a unanimous vote on that title.

Again, like so many other things that have come through any legislative process here, but especially on agriculture, I am sure there were things we might have wanted to do differently in one way or the other. Would we like to put more money in nutrition? Yes. But then we have to balance it with everything else we have. So we tried to come out with a balanced bill, as I said yesterday.

I really believe my colleague's amendment would upset that balance greatly. And even though we might want to do more for nutrition, I believe we have met our responsibilities for nutrition in this bill to meet the nutritional needs of our people. I will go through that shortly.

I did want to correct one thing. I believe my colleague and friend said that on nutrition our spending over 5 years is \$1.6 billion. Our data shows that our outlays for 5 years are \$2.2 billion. I just wanted to make that correction. I think his is \$3.7 billion and we are at \$2.2 billion. I do know his outlays are more than ours; at least I believe his budget authority is \$3.7 billion. I do

not know what the outlays are for 5 years, and perhaps Senator LUGAR could enlighten us on that. But I just want to talk about some of the differences and some of the potential problem areas I see in the title proposed by Senator LUGAR.

I think we have all agreed that the outreach for the Food Stamp Program is vitally important to make sure that eligible people understand they can participate and to get them to participate. In the past, this has really been a problem. So we put provisions in our bill that would provide for more outreach to go out and make people understand they are eligible for food stamps. That, I believe, is lacking in the Lugar proposal.

Again, this is one area where, if you look at the amount of money we have for nutrition, you have to understand that food stamps are an entitlement; that if the economy goes down, if people are out of work, if they qualify, they get food stamps. That is not included in our bill. That is just an entitlement. What is important is whether or not people know they can get food stamps, whether or not they know they are eligible, and the outreach programs that will bring people into the Food Stamp Program. That is where I believe we have met that obligation. The Lugar proposal does not. It is important to go out and get people to understand they are eligible for the Food Stamp Program. So we included a number of provisions to make sure that information about the Food Stamp Program and the applications are made available to eligible people who are not now participating in the program.

We also include pilot programs, testing different ways to go out and reach people. Those pilot programs are not in the Lugar proposal.

The committee bill also includes provisions that will help able-bodied adults without dependents—subject to time limits under the Food Stamp Program rules—to find jobs. For example, the committee bill allows a rigorous job search activity to count as a work requirement for able-bodied people without dependents. Quite frankly, if people are making an honest effort to find work, if they are in an approved job search program, why should they be penalized? They should be eligible. We have that in our bill. That is not in the Lugar proposal.

In our bill we have also designated funds specifically for employment and training activities for this very group of people. While States should have flexibility to use their employment and training funding as they see fit, they should be able to draw upon a special reserve for people who are subject to a time limit. If there is a time limit, they ought to be able to have some leeway for employment and training activities. Again, we have that in our bill. That is not in the Lugar proposal.



Our bill also acknowledges that people who participate in employment and training activities have certain additional expenses, such as transportation. If they are looking for a job—let's say they are in a training activity. They may have to go clear across town or across the city to this training activity. That costs money. We increase the amount of money available to States to help defray those costs. That is in our bill. That is not in the Lugar proposal.

Another key difference between what is in the committee-passed bill and Senator LUGAR's proposal is that we include a substantial commodity purchase of \$780 million over 5 years. At least \$50 million of that will go to purchase fruits and vegetables for the School Lunch Program. At least \$40 million a year must be used to purchase commodities for the TEFAP Program—The Emergency Food Assistance Program. Again, Senator Lugar's proposal only provides funding for TEFAP commodities, not for the School Lunch Program. Again, if we are talking about low-income families on food stamps who need nutritional help, it is their kids who are in school who get the free meals—free or reduced-price meals; mostly free in this case. So we provide money in the bill to go out and buy apples and to buy oranges and to buy other fruits and other vegetables for the School Lunch Program to meet the free and reduced-price School Lunch Program for these needy kids. That is not in the Lugar proposal. We provide \$40 million for the TEFAP Program; Senator LUGAR provides \$30 million, \$10 million less.

We also included a pilot program. This may seem insignificant, but I don't think so. We included a pilot program to test in public schools in four States to see whether or not distributing free fruits and vegetables is beneficial and whether students would take advantage of that. In other words, the idea is, if a student is in a public school, rather than going to the vending machine and putting in their 75 cents or a dollar now and getting a candy bar or something like that—usually in the vending machines there is candy, and then down at the bottom there is usually an apple at the same price—the kid is not going to buy the apple.

Let's say you provided in the school lunchroom free apples, free oranges. Let's say a student has a hunger pain. They can go to that vending machine and put in their \$1 or 75 cents or they can go to the lunchroom and pick up a free apple. We provide for that pilot program in four States. That is not in the Lugar proposal. This would also be a proposal beneficial to our fruit and vegetable growers. Certain vegetables we are talking about—carrots, broccoli, whatever, celery, different things such as that—that kids could get free

under this pilot program, it is not included in the Lugar proposal.

We also in our bill include a provision to strengthen nutrition education efforts in the Food Stamp Program. A lot of people in the Food Stamp Program use their food stamps and they buy Twinkies and potato chips and fat-filled kinds of food. It may not be very nutritious. We need more nutrition education in the Food Stamp Program. We include a provision to strengthen that. I do not believe that is in the Lugar proposal.

There is one other point I want to make, and that is in terms of whether or not people who are in certain programs, who rely on certain programs for noncash assistance, such as the Temporary Assistance to Needy Families—if you are getting child care and things such as that, if you are in that category, basically we are saying you should be eligible for the Food Stamp Program. You should not have to go back and qualify for this, qualify for that, and go through all the redtape. Senator LUGAR includes a provision that would have the effect of making people who rely on this noncash assistance ineligible for the Food Stamp Program. Again, a lot of times these people use the Food Stamp Program as a boost to help get back on the road to self-sufficiency.

Last year we worked to give States the option of liberalizing the food stamp vehicle. A number of States have already done this. They have changed their policies on the value of a car you can have. I wonder if it is going a bit far, as Senator LUGAR does, to require that all States exclude all vehicles from consideration in determining food stamp eligibility. We want to liberalize it. I think my State is way too low. When you have a State that says you can only have a car worth \$3,500, these are the people who need transportation to go back and forth to work. That is the kind of car that breaks down all the time. These rules ought to be raised. Some States are much higher.

I stand to be corrected, but I think Utah, for example, is several thousand—maybe more than that—higher in an automobile. It just makes sense to allow a person to have a decent car that doesn't break down all the time.

Senator LUGAR says we will require all the States to exclude all vehicles, as I read the amendment. I could be corrected on that, but that is the way I read it. That is going a bit far. We ought to let the States rate the eligibility, but to require them to exclude all vehicles may be loosening it up too much.

The restoration of the immigrant benefits provision is very controversial to some people. We tried to take a targeted approach where benefits are restored to the most needy legal immigrants; that is, children, the disabled,

refugees, asylum seekers. We say the kids who are of legal immigrants should not have to wait to get food stamps. Again, this is in line with our thinking that if you are a child, you ought to get nutrition because it saves on health care. We know that children who receive nutrition learn better. They will be better students. As far as kids go, we are saying: If you are a child of a legal immigrant, you should get food stamps now.

As I read the Lugar amendment, he says they have to wait 5 years—all immigrants who have been in the United States for at least 5 years. Under the committee-passed bill, we don't wait 5 years to restore benefits to children. We do it immediately, not 5 years from today.

Again, there are some significant differences between what Senator LUGAR is proposing and what we have done in the committee. It is true, I admit quite frankly, that Senator LUGAR puts more money into nutrition than we do. That is true. But I still will say that in terms of the program that most needy people rely on to meet their nutritional needs—that is, the Food Stamp Program—the most critical part of that is outreach, information, and support to people who are not now applying but who are eligible to get into the Food Stamp Program. That is what we do. That doesn't cost a lot of money. And if it does get people into the program, and they get food stamps, that is not counted. That is not counted on our ledger sheet.

I believe our bill actually will provide more nutritional support to people than the Lugar proposal, even though it doesn't show up on the balance sheet as such.

The other part is simply the fact that where Senator LUGAR is getting the money for this really does upset the balance we had in our commodity programs. I don't think this is the time to demolish farm commodity programs in order to adopt a wholly untested voucher system as a total replacement. That is the other side of this amendment. Farm programs are not perfect. I will be the first to admit it. But we cannot abandon the safety net at a time when it is obviously inadequate already.

What this amendment does is weaken help for all program crops—dairy, sugar, peanuts, everything—and it replaces it with a voucher program whereby a farmer can go out with a voucher and get crop insurance and can get insurance, not just for destruction of crops but for lack of income. It has been untested. We don't know if it would work.

This is something that probably ought to be done on a pilot program basis at some point, but not right now, a whole commodity program that we have structured. Quite frankly, I believe that on our committee we have a

lot of expertise. We have Senators on both sides who have been involved in agriculture for a long time. We have former Governors on our committee. We have former Congressmen on our committee. We have people who have been on the agriculture committees of their State legislatures, of the House of Representatives, and now in the Senate. We have people with a lot of expertise in agriculture on our committee.

These are not people who just sort of off the cuff decide to do something in agriculture. These are people, Senators, such as the present occupant of the Chair, who think very deeply about what is best for their people and what is best for the commodities in their State.

The Senators know their commodities and the programs. So we hammered out and worked out compromises and a commodity structured program that will benefit all of agriculture in America. Again, it may not be perfect. I daresay I haven't seen a Government program yet that is perfect. But to throw it all out the window and to substitute this untested, untried voucher program when we have no basis to understand how it would ever work right now would cause chaos and disruption all over agricultural America.

On the nutrition side, I believe that our approach, the committee approach we have come out with is responsible, reasonable; it gets to the kids who need nutrition; and it has a good outreach program to make sure people who are not on food stamps understand it. On the other hand, on the commodity side, I believe our commodity program is well structured, sound, responsible, evenhanded all over America, and it is built upon programs and ideas that we know work. We know direct payments work. We know loan rates work. We know that conservation payments work. These things out there have been tested and tried and they work. Now is not the time to pull the rug out from underneath our farmers for an untested program.

For both of those reasons—on the commodity side and nutrition side—I respectfully oppose the Lugar amendment and urge all Senators to support the well-thought-out, responsible nutrition title that we brought out from the committee. It is good, solid, and it is something for which I think we can be proud.

With that, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I respectfully say to my distinguished colleague that the only well-thought-out aspect of the bill before us are thoughts as to how a Senator might be enticed by more money for particular crops for his or her State. It is a catchall bill. It

really has no particular philosophy. One subsidy is piled on top of another.

That is my point. Somebody has to bring an end to this chaos. The chaos is not going to be joyous if continued as the Senator from Iowa pointed out. Sixty percent of farmers get nothing from this; they are not going to get a dime. I hope that understanding finally comes through to agricultural America. This bill is targeted at a very few farmers. Forty percent at least have a chance; but as a matter of fact, as we pointed out numerous times, half of the payments go to 8 percent of those farmers who have a chance. And very sharply, large percentages go to a very few that fall behind the top 8 percent. In fact, by the time you get to the top 20 percent, 80 percent of the money is gone, even for that segment that is getting something.

This bill has been a grab bag of trying to figure out how various Senators might be enticed into a coalition if a certain amount of money was promised, regardless of who it goes to—the size of the farmers and the problems of the farmers notwithstanding. I have tried to shake up the order and say that if we are going to distribute money, let us do so to all farmers, all States, all crops, all animals, as opposed to the very few that are clearly the targets of the bill that came out of the Agriculture Committee.

The chairman is right. We have been doing it this way for almost 70 years. With increasing overproduction, increasing reduction of prices, this bill stomps down prices. They have no chance to come up. I hope there will not be any speeches next year on why prices are at an alltime low. Of course, they are going to be low. If you stimulate overproduction, they will go down every time. We have been doing that consistently year after year. To suggest that chaos ensues because you try to bring an end to this seems to me not very logical.

I admit that it would be a total surprise to the country if all farmers shared, if all States shared—a remarkable surprise. I think it would be a good surprise, as a matter of fact. That is why I am suggesting what is admittedly a very large change. We are winding up the old and trying out a true safety net for all of us in agriculture.

Let me respond briefly on the nutrition side. The distinguished chairman has pointed out what he believes are deficiencies in my approach. Let me say that, at the bottom line, we may not provide as much information about how you get the benefits, and perhaps that is a deficiency, but we simply provide more food, more nutrition for millions more Americans. That is pretty fundamental.

The outlays in our bill are \$4.1 billion, and the chairman's bill is \$2.1 billion. That is twice as much food. In ours, the budget authority is 3.7 and

his is 1.6—twice again. It is very hard to match the quantity of the service, the number of people being affected, by getting into the particulars.

Having said that, I am perfectly willing to work with the chairman, as he knows, to try to find whatever deficiencies we can meet, making certain that all Americans know of the possibility for whole meals. That is our intent, to have a very strong nutrition safety net with the assistance of almost every group in our society; they have been working at this longer than the chairman and I have.

I hope Members will vote for my amendment. I believe it is a significant change that will lead not only to less subsidization but to higher prices, higher real market values that come to farmers, with a safety net in the event there are weather disasters, trade disasters, and other things well beyond the ability of farmers to control.

I yield the floor.

Ms. CANTWELL. Mr. President, I rise today to discuss the Lugar amendment to the Farm bill before us and to express my strong support for the nutrition provisions included in the underlying bill as introduced by Senator HARKIN.

I want to make it clear that while I appreciate Senator LUGAR's investment in food stamps and food nutrition programs, I oppose the Lugar provisions on the commodity title because it undermines a crucial safety net for our Nation's farmers. These commodity assistance programs are vital to the competitiveness and survival of the U.S. farming base and the rural communities that depend on a healthy agricultural economy.

I applaud Senator LUGAR's attention to the need to expand the Food Stamp Program in this difficult economic time. The Food Stamp Program is one of the most effective and efficient ways we directly help low-income families, and the elderly and disabled. The language in Senator HARKIN's bill will make this important program more efficient and effective for those who rely on it most.

There is no doubt that the economy is weaker than it was at this time last year—or even this summer when we passed President Bush's tax cuts. In fact, the Congressional Budget Office, CBO, announced on Monday that the country has a \$63 billion deficit in the first 2 months of the new fiscal year. CBO's report attributes most of the extra spending to increased Medicaid costs and unemployment benefit claims.

This does not surprise me, especially when one considers these indicators of the current state of Washington's economy: Unemployment rose a half-point in October to reach 6.6 percent in the State—the highest rate in the Nation; new claims filed for unemployment insurance claims rose 33 percent over the



same month last year; we now have the highest number of initial unemployment insurance claims since 1981; and unfortunately, one of our strongest and most stable employers—Boeing—has announced that 14,000 of its workers in Washington State are going to be out of a job by next summer. This news is absolutely devastating for my State—according to the Seattle Chamber of Commerce, for every Boeing job lost the region loses another 1.7 jobs.

There is no doubt that our economy works best when people are working. But when people lose their jobs, they need help to manage their unemployment, train for new jobs, and make an easy transition to new careers. And this includes broad-based assistance to families, especially through the food stamp and other Federal nutrition programs. If families are hungry and not meeting their basic needs, they certainly cannot focus on the training they need to attain long-term stability and self-sufficiency.

I believe that strengthening the Food Stamp Program to assist low-wage workers and those recently out of work is a critical component of Congress's response to the weakening economy. Unfortunately, as the economy deteriorates many working families are joining the lines at local food banks. Just this week, the Seattle Times reported on the food shortages in our area food banks and the fact that so many families are now seeking assistance from the very food banks to which they once donated. In fact, food stamp participation in Washington State increased over the last 12 months by 8.2 percent. But I am particularly concerned about those who are eligible for food stamps but do not use them since we passed the 1996 welfare reform legislation, food stamp participation rate decreased 32.2 percent in Washington State.

Sadly, the percentage of households with children facing food insecurity—those who do not know where their next meal is coming from—is higher in Washington State than across the rest of the country. And food insecurity among emergency food recipients—those going to food banks, to emergency kitchens and shelters—is nearly 50 percent higher in Washington than the rest of the country. And this is despite the fact that over 315,000 people in the State of Washington participate in the Food Stamp Program, and 153,000 people participate in the Women, Infants, and Children, WIC, Program.

I strongly support the nutrition provisions in the underlying bill. In order to address the increasing need for food stamp and other Federal nutrition support, Senator HARKIN has increased mandatory food stamp spending by \$6.2 billion over the next 10 years.

The Harkin Farm bill provides an extension for transitional food stamps for

families moving from welfare to work; extension of benefits for adults without dependents; and increased funding for the employment and training program. The bill would allow households with children to set aside larger amounts of income before the food stamp benefits would begin to phase out.

Importantly, the bill simplifies the program for State administrators and participating families. Specifically, it simplifies income and resource counting, calculation of expenses for deductions, and determination of ongoing eligibility in the program. Together, these improvements will help both States and recipients because they lower burdens and increase coordination with other programs, such as Medicare, TANF, and child care, that the States administer.

I am particularly pleased that the bill restores food stamp benefits for all legal immigrant children and persons with disabilities. According to Census data, 27 percent of children in poverty live in immigrant families, 21 percent are citizen children of immigrant parents, and 6 percent are immigrants themselves.

Unfortunately, many citizen children of legal immigrants who remain eligible for the Food Stamp Program are not participating. Many of their families are confused about food stamp eligibility rules, and in some cases, the child's benefit is too small for the household to invest the effort to maintain eligibility. In fact, since 1994, over 1 million citizen children with immigrant parents have left the program despite remaining eligible.

After the Federal Government eliminated food stamp benefits for legal immigrants Washington State was the first State to put its own funds toward restoring food stamp eligibility for legal immigrants. The State Food Assistance Program uses State funds to support legal immigrants who were disqualified as a result of the 1996 welfare reform law. In fact, 11 percent of all food assistance clients in WA State are legal immigrants. This bill restores the Federal commitment to ensuring that legal immigrants have access to these important Federal programs.

When we passed President Bush's tax cut, I said that I believed the country is at a critical juncture in setting our fiscal priorities—deciding between maintaining our fiscal discipline and investing in the Nation's future education and health care needs, or cutting the very services used daily by our citizens. That statement is even more relevant today. Passing the food stamp expansions included in the Harkin Farm bill gives working families struggling to make ends meet the security they need in these uncertain times.

The PRESIDING OFFICER. Who yields time? If no one yields time, time is charged equally to both sides.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, my understanding is that I have a minute and a half, which is declining as time goes by equally charged to both sides. So as opposed to seeing all of that decline, let me say I am most hopeful we are going to have a strong vote for the Lugar amendment because I believe it is a good amendment for all Americans.

I stress that because sometimes in our zeal in these agricultural debates we are doing the very best we can for those in agricultural America, and that may be in many of our States as much as 2 percent of the population. But the rest of America also listens to this debate and wonders why there should be, as in the underlying bill, a transfer of \$172 billion over the next 10 years from some Americans to a very few Americans—particularly, if 60 percent of the farmers don't participate at all and if it is narrowed to those who have very large farms. Most Americans, when confronted with that proposition, don't like it.

I am preaching today, I suppose, to the choir of all Americans and hoping that agricultural America also understands that if we are ever to have higher prices and market solutions on farms, we must get rid of the subsidies that are a part of the underlying bill. And I do that. At the same time, I provide assurance and a safety net which I believe is equitable to all farmers and likewise to all Americans who look into this and find at least some hope for farm legislation as we discuss the Lugar amendment. I ask for the support of my colleagues. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Six minutes.

Mr. HARKIN. Mr. President, the Senator from Indiana just mentioned in rebuttal to my remarks about how not all farmers are getting benefits under this farm program. He is right. I believe the committee bill begins to change that somewhat. We include a conservation title in our bill that was supported unanimously by the committee that will begin to direct some funds toward those farmers who have not been included in our farm programs in the past—our vegetable farmers, organic farmers, fruits, minor crops. Now they will be able to get benefits from farm programs if they practice responsible stewardship of the land, protect the soil, and protect the water.

Quite frankly, I believe this is going to be one of the best provisions for other areas of the country that have not participated before in our farm programs. That is in the committee bill. I know Senator LUGAR's amendment does not touch that, but I understand there is going to be an amendment offered by Senators COCHRAN and ROBERTS that will take that away.

I hope those who believe that we have to expand our reach and include more farmers in our farm programs will oppose that amendment because this is the one element that will go out to help those smaller farmers and the farmers who have not been in the major crops before.

We also have an energy title. That energy title is new in this bill. Again, the Lugar amendment does not touch that. I understand that. I am not talking about that. The Cochran-Roberts amendment will basically defund all that. That is another provision that can help a lot of our smaller farmers and others who have not been included in farm programs in the past.

I wanted to make the point we have taken strides to reach out in this bill to get farm program benefits to all regions of America.

Senator LUGAR also spoke about low prices and overproduction. The answer to low farm prices is not to idle half of America and to put all these farms out of business. That certainly should not be our answer. If you like imported oil, you will love imported food. That seems to be the answer. We will just shut down all the farms in America and buy our food from overseas. Good luck when that starts happening.

We need agriculture. We need food security for our own Nation. We need to find new markets, new outlets for the great productivity, the great production capacity of American agriculture. That is what we need—new markets.

Conservation is a marker. I believe energy is a new marker. Whatever we can make from a barrel of oil we can make from a bushel of soybeans or a bushel of corn or a bushel of wheat. Biomass energy, plastics, biodiesel, ethanol—think of the possibilities—pharmaceuticals. There are all kinds of items that come from our crops that we have not even tried. I believe that is what this bill also starts to do: find those new markets for the great productive capacity of America in agriculture.

The answer is not just to shut down half of America. That is not the answer at all. Think what that is going to do to our small towns, our rural communities, our families if we do that.

We have to keep the production going. We have to find new markets, and that is what we start to do in this bill.

I believe also we have met all of the objectives of the nutrition community. We met with them. They testified be-

fore our committee on more than one occasion. Quite frankly, we met basically their objectives.

I also point out when Senator LUGAR says he provides more money for food—maybe yes, maybe no. Really what the Lugar amendment does is it increases the standard deduction a little bit. There are some additional provisions for able-bodied adults without dependents, but most of the money that is in the Lugar amendment is in simplifying rules, in simplifying programs. We include some of those in ours, but he goes a little bit further.

I still believe the most important thing we can do is to provide the underpinning of nutrition, as we did in the committee bill, and then do more outreach to make sure people who are eligible for food stamps know they can get them and make it easier for them to apply for food stamps. We do that in our bill. That outreach, quite frankly, is not in the Lugar amendment.

I think it is arguable whether the Senator provides more food than we do. I believe I can make the case we actually would provide more food because we do more outreach and get more people involved in the Food Stamp Program. We provide better commodity purchases for our school lunch programs. I believe that is a wash. Keep in mind the Lugar amendment destroys all our commodity programs, and we are not going to do that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. I understand all time has expired. I move to table the Lugar amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 70, nays 30, as follows:

[Rollcall Vote No. 363 Leg.]

#### YEAS—70

Akaka	Dorgan	Lincoln
Allen	Durbin	Mikulski
Baucus	Edwards	Miller
Bayh	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Fitzgerald	Nelson (NE)
Bond	Graham	Reid
Boxer	Gramm	Roberts
Breaux	Grassley	Rockefeller
Brownback	Harkin	Santorum
Byrd	Helms	Sarbanes
Cantwell	Hollings	Schumer
Carnahan	Hutchinson	Sessions
Carper	Hutchison	Shelby
Cleland	Inhofe	Smith (OR)
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Conrad	Johnson	Stabenow
Craig	Kerry	Torricelli
Crapo	Kohl	Warner
Daschle	Landrieu	Wellstone
Dayton	Leahy	Wyden
DeWine	Levin	
Dodd	Lieberman	

#### NAYS—30

Allard	Enzi	McConnell
Bennett	Frist	Murkowski
Bunning	Gregg	Nickles
Burns	Hagel	Reed
Campbell	Hatch	Smith (NH)
Chafee	Kennedy	Stevens
Collins	Kyl	Thomas
Corzine	Lott	Thompson
Domenici	Lugar	Thurmond
Ensign	McCain	Voinovich

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, we are making progress on the farm bill. We have a couple of big amendments that were very thoroughly debated and voted on. We are ready to move ahead with other amendments. We are ready to move on. If other Senators have amendments, we are open for business. We hope people will come forward. We have maybe some reasonable time limits. On the Lugar amendment we had a decent time limit. We debated it thoroughly.

It is vitally important that we finish this farm bill and that we do it expeditiously. I do not know exactly when we are going to go home for Christmas. This farm bill needs to be finished. We need to finish it expeditiously. The House passed their bill, and we need to pass ours and go to conference.

We can finish this bill today. I see no reason we can't finish it today if we have some healthy debate on a couple more amendments. I know Senators COCHRAN and ROBERTS have an amendment they want to offer, which is a major amendment. We could debate that today and have a vote on that today. There are perhaps other amendments. I haven't seen any, but I have heard about some. I think we could move through this bill today and get it finished and go to conference.

I urge all Senators who have amendments to come to the floor.

Mr. DORGAN. Mr. President, will the Senator yield for a question?

Mr. HARKIN. I am delighted to yield to my friend from North Dakota for a question.

Mr. DORGAN. Mr. President, I certainly share the Senator's interest in trying to conclude this farm bill or consideration of the farm bill. I am wondering, is there any opportunity at some point today to attempt to get a list of those who have amendments who wish to offer them on this legislation?

Mr. HARKIN. I think the Senator has made a good suggestion and a good inquiry. I hope that at sometime today, with the leaders of both sides, we can have a finite list of amendments, that we can agree on those, and move ahead, because if we do not, we will just be



here day after day after day after day, and, as the Senator well knows from his experience here, this could go on indefinitely.

So we do need to get a finite list. I hope we can get that done, I say to my friend.

Mr. DORGAN. If the Senator will yield further, I know it is certainly the goal of the Senator from Iowa to get a bill through the Senate, have a conference, and then get it on the President's desk for signature before we conclude this session of Congress. While I know that is ambitious, it certainly is achievable. I think we have the opportunity to finish this bill today or tomorrow. I know the chairman of the House Agriculture Committee is very anxious to go to conference.

Is the Senator aware that the chairman of the House committee has indicated he is very anxious to begin a conference, which suggests if we can get a bill completed through the Senate, and get it to conference, we will be able to perhaps get it out of conference and on to the White House?

Mr. HARKIN. I say to my friend from North Dakota, I think it is definitely possible we can get this done. I know that Congressman COMBEST and Congressman STENHOLM, the two leaders of the Agriculture Committee on the House side, are anxious to get to conference. They have basically looked over what we have here, and we have looked over what they have in their bill. Really, I do not think the conference would take that long. But we just have to get it out of the Senate.

Mr. DORGAN. One final question, if I might. I suspect the Senator from Iowa has been asked a dozen times now, before 11 o'clock, when we are going to finish this session of Congress or when we are going to finish this bill. I think everyone around here kind of wants to know when this session of Congress might end.

That makes it all the more urgent we finish our work on this bill because this bill, the stimulus, Defense appropriations, and a couple of others need to be completed. I appreciate the work of the Senator from Iowa and the Senator from Indiana. And I know the Senator from Mississippi is going to have an amendment.

I really hope we can have a good debate on important farm policy and then proceed along and see if we can get this bill into conference in the next 24, 48 hours. I appreciate the work of the Senator from Iowa and the Senator from Indiana.

Mr. HARKIN. I thank the Senator from North Dakota.

Seeing the Senator from Minnesota, who wants to speak, I yield the floor.

The PRESIDING OFFICER (Mr. FEINGOLD). The Senator from Minnesota.

Mr. BYRD. Will the Senator yield?

Mr. DAYTON. Sure.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, while the leader is on the floor and while Mr. BAUCUS is on the floor, will the Senator yield to me for 5 minutes?

Mr. DAYTON. I yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FAST TRACK

Mr. BYRD. Has the Finance Committee reported out the fast track?

Mr. BAUCUS. No.

Mr. BYRD. Is it going to today?

Mr. BAUCUS. Yes.

Mr. BYRD. When?

Mr. BAUCUS. In about an hour.

Mr. BYRD. Does the committee have permission to meet?

Mr. BAUCUS. I don't know.

Mr. HARKIN. No.

Mr. BYRD. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, for the information of the Senate, what is the rule with respect to the meeting of committees during the operation of the Senate while the Senate is in session?

The PRESIDING OFFICER. When the Senate is in session, the committees may meet for 2 hours, but not beyond that, and not beyond 2 p.m.

Mr. BYRD. As of today, when would that time expire?

The PRESIDING OFFICER. At 11:30.

Mr. BYRD. At 11:30.

The PRESIDING OFFICER. At 11:30 a.m.

Mr. BYRD. So the committee may not meet after 11:30 without the permission of the Senate?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I put the Senate on notice I will object to that committee meeting after 11:30 today while the Senate is in session.

Mr. President, along that line, may I say I have asked the chairman of the Finance Committee to give some of those of us who are opposed to fast track an opportunity to appear before the committee. I am not on the Finance Committee. I would like to have an opportunity to appear before that committee and speak against fast track. That is all I am asking.

I made that personal request of the chairman of the committee yesterday, and he said: Well, I could appear before the committee after it had acted on fast track, after it had marked up the bill.

Well, there is no point in my appearing before the committee after it has marked up the bill. That is a really silly suggestion, if I might say so: I will make my impassioned plea to the committee after the committee has met and marked up the bill. Why should I go appear before the com-

mittee after that committee has marked up the bill? What a silly proposition.

Mr. President, there are those of us—there are a few around here—who object to fast track. And I am sorry the distinguished chairman of that committee said no.

Now, as chairman of the Appropriations Committee, I don't think I would say that to any Senator. I would not say it to a Republican Senator; I would not say it to a Democratic Senator. The very idea, on a matter as important as fast track to discuss around here—I am just disappointed a Senator would get that kind of a brushoff.

Now understand, I went to the distinguished chairman yesterday and asked him if he would mind putting that matter off and allow some of us—or a few of us; I know one Senator who is against fast track—to allow us to appear before the committee. And I got kind of a brushoff, I would say. Well, all I could say was I was disappointed. I am still disappointed.

Let me read a section of the Constitution to Senators. Section 7 of article I, paragraph 1:

All Bills for raising Revenue shall originate in the House of Representatives; but—

Get this—

but—

Mr. President, may we have order in the rear of the Senate.

The PRESIDING OFFICER. The Senate will come to order, please.

Mr. BYRD. So I come to the conjunction "but"—paragraph 1, section 7, article I, of the U.S. Constitution. Here is what it says:

but the Senate may propose or concur with Amendments as on other Bills.

Now, we all know that when fast track is brought to the Senate, Senators may not propose amendments. In my way of reading the Constitution, that is not in accordance with what the Constitution says. What did the Framers mean? It is obvious that they meant the Senate could amend on any bill.

Let me read the whole section again, the whole paragraph, section 7:

All Bills for raising Revenue shall originate in the House of Representatives; but—

B-U-T—

the Senate may propose or concur with Amendments as on other Bills.

It doesn't say it "shall." The Senate may not want to offer any amendments, but it "may."

But now we come along with this so-called trade promotion authority. Ha, what a misnomer that is. And that is plain old fast track. And a lot of Senators and House Members are going to go to their oblivion on fast track if the people back home ever wake up to what is going on.

... but the Senate may propose or concur with Amendments as on other Bills.

It doesn't say "on some other Bills" or "on certain other Bills." It says "as on other Bills."